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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the)
Existing Television Broadcast Service)

To: The Commission

**Opposition Of
National Public Radio, Inc.
To
Petitions For Reconsideration
Of The Fifth And Sixth Reports And Orders**

National Public Radio, Inc. ("NPR") hereby opposes the petitions for reconsideration of the Commission's Fifth and Sixth Report and Orders filed by The Association For Maximum Service Television, Inc. and others in the above-captioned proceeding¹ to the extent they seek relief for potential DTV channel 6 licensees.²

¹ Advanced Television Systems, Sixth Report and Order, MM Docket No. 87-268, rel. Apr. 21, 1997, 62 Fed. Reg. 26,967 (May 14, 1997); Advanced Television Systems, Fifth Report and Order, MM Docket No. 87-268, rel. Apr. 21, 1997, 62 Fed. Reg. 26,967 (May 14, 1997).

² Petition for Clarification and Partial Reconsideration of the Fifth and Sixth Reports and Orders Submitted by the Association for Maximum Service Television, Inc., The Broadcasters Caucus and Other Broadcasters, MM Docket No. 87-268, filed June 13, 1997 [hereinafter "MSTV Petition"]; see also Petition for Reconsideration by Gannett Co., Inc., MM Docket No. 87-268, filed June 13, 1997 [hereinafter "Gannett Petition"]. NPR has previously filed an Opposition to the Petition for Reconsideration of "Certain Channel 2-6 Licensees", MM Docket No. 87-268.

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NPR is a non-profit, noncommercial membership organization of more than 570 full-service public radio stations. NPR also produces and distributes such noncommercial educational radio programming as *All Things Considered*, *Morning Edition*, *Talk of the Nation*, and *Performance Today*, and manages the Public Radio Satellite Interconnection System.

In seeking reconsideration of the Commission's Fifth and Sixth Reports and Orders, the Petitioners ask the Commission, *inter alia*, to eliminate "uncertainty" regarding the future use of DTV channel 6.³ At least to that extent, the petitions are without merit and should be denied.

As an initial matter, these Petitioners simply refuse to acknowledge the long history of interference between television channel 6 and adjacent channel noncommercial educational FM licensees.⁴ MSTV, at least, is certainly aware of that history.⁵ MSTV apparently also understands that the Charlotte field tests did not specifically examine the issue of adjacent channel interference to and from DTV Channel 6.⁶ It is therefore difficult to understand its apparent position that the lack of engineering evidence supports greater use of DTV channel 6.⁷

³ MSTV Petition at 31-32; Gannett Petition at 3.

⁴ See Reply Comments of National Public Radio, Inc., MM Docket No. 87-268, at 3-4, filed Dec. 23, 1997 [hereinafter "NPR Reply"].

⁵ See MSTV Petition For Inquiry, at 23-24 (Oct. 4, 1989); MSTV Petition at 32 n.46.

⁶ See Broadcasters' Comments on the Sixth Notice of Proposed Rulemaking, MM Docket No. 87-268, at 6, filed Nov. 22, 1996 ("[F]ield tests -- the most reliable predictors of performance -- were conducted in Charlotte, NC effectively but over a relatively brief period of time and with limited power so as not to interfere with operating NTSC stations.")

⁷ See MSTV Petition, at 32.

Moreover, the longer range propagation characteristics of channel 6, which Petitioners cite approvingly,⁸ make adjacent channel interference potentially even more problematic.

First, the advantage of favorable propagation characteristics -- much greater net area with relatively low field strength -- also means there is a much larger area that may be adversely affected by the proximity between television channel 6 and noncommercial educational FM stations. Volumes of complaints have been filed with the Commission concerning the impairment of TV channel 6 reception at the fringes of the viewing area, and, assuming Petitioners are correct, this area will be a much larger area due to the superior propagation characteristics of low VHF channels.

Second, the "all or nothing" characteristic of DTV reception may mean that the television viewer's signal is completely unusable rather than merely impaired as a result of adjacent channel interference. Consumers, having purchased advanced DTV receivers, will understandably have high expectations for a fully reliable and pristine signal.

Third, at the lower signal strength generated by DTV transmission, much lower desired-to-undesired ratios will be inherent between the DTV signals and adjacent spectrum non-commercial users. The testing to date simply has not addressed the problems that will affect both sets of users.

Finally, beyond the specific issue of the propagation characteristics of the lower VHF channels and as NPR has previously established, there are a number of other reasons to believe that adjacent channel interference will result from the use of DTV channel 6.⁹

⁸ Id.; Gannett Petition at 3.

⁹ Petition For Reconsideration Of National Public Radio, Inc., MM Docket No. 87-268, filed June 13, 1997, at 6-8 [hereinafter "NPR Petition"]; NPR Reply Comments at 7-9.

Despite these considerations, the MSTV Petitioners once again offer the mere belief that a number of technical factors will prevent adjacent channel interference from occurring.¹⁰

Significantly, MSTV's belief is not shared by the Fox television station network, which owns one of the three stations allotted DTV channel 6 under the Commission's Sixth Report and Order.¹¹

If it is certainty that these Petitioners desire, that interest can be accommodated, but in a way that does not undermine noncommercial educational radio. Specifically, the Commission can avoid any reliance on DTV channel 6 allotments, as it proposed to do in the Second Report and Order in this proceeding.¹² Alternatively, and as NPR has previously proposed, the Commission can require DTV channel 6 licensees to avoid interference to and accept interference from adjacent channel non-commercial FM band licensees.¹³

Finally, the MSTV Petition urges the Commission to affirmatively enhance the use of DTV channel 6 by taking steps to "clean up" that portion of the spectrum "by eliminating some sources of potential noise."¹⁴ NPR assumes that noncommercial educational radio stations

¹⁰ MSTV Petition at 32. n.45. See NPR Reply Comment at 7-9 (specifically challenging MSTV's beliefs).

¹¹ Petition for Reconsideration of Fox Television Stations, Inc., MM Docket No. 87-268, at 5, filed June 12, 1997 ("[T]here is likely to be interference to and from educational FM stations in the Washington, DC DMA, one of the potential problems with low VHF DTV channel allocations alluded to by the Commission at paragraphs 82 and 83 of the R&O.") Fox, heretofore a member of the Broadcaster's Caucus, did not join the MSTV Petition. See MSTV Petition at 2 n.3.

¹² Advanced Television Systems, Second Further Notice of Proposed Rulemaking, 7 FCC Rcd/ 5376, at ¶ 45 (1992).

¹³ See NPR Petition, at 6-8 & 9-10; NPR Reply Comments, at 6-11.

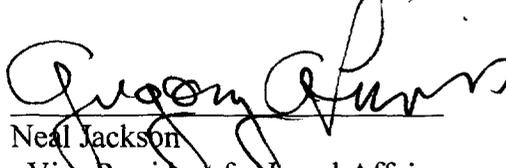
¹⁴ MSTV Petition at 32 & n 46.

operating on the reserved spectrum are not among those "sources of potential noise" proposed to be eliminated in order to "clean up" the spectrum Petitioner desires. Indeed, it would be self-contradictory both to deny the likelihood of harmful adjacent interference and to request the Commission to protect potential DTV channel 6 allottees from such interference. In any event, proposing the elimination noncommercial educational radio stations to assure interference-free use of DTV channel 6 obviously could not be squared with any legitimate notion of the public interest.¹⁵

For the foregoing reasons, the Commission should deny the petitions for reconsideration to the extent they seek relief for potential DTV channel 6 licensees.

Respectfully submitted,

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¹⁵ See NPR Reply Comments at 4 (recounting "the strong Federal interest in extending public radio service to all, 47 U.S.C. § 396(a)" which has been frustrated "by the presence of TV channel 6 broadcasters in the spectrum immediately adjacent to the noncommercial FM reserved spectrum").

CERTIFICATE OF SERVICE

I, Muriel Dodd, hereby certify that a copy of the foregoing Opposition of National Public Radio, Inc. to Petitions for Reconsideration of the Fifth and Sixth Reports and Orders submitted by the Association for Maximum Service Television, Inc. and others was sent this 18th day of July, 1997, by first class mail, postage prepaid to the following:

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